Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
April 20, 2010

A meeting of the Fayetteville City Council was held on April 20, 2010 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Petty, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the April 6, 2010 City Council meeting minutes.

Approved

Sweetser Construction, Inc. Bid #10-03: A resolution amending Resolution No. 15-10 awarding Bid #10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00, as needed through the end of calendar year 2010.

Resolution 57-10 as recorded in the office of the City Clerk.

Aggregate Materials Bid #10-20: A resolution awarding Bid #10-20 and approving the purchase of Class 7 Base (SB-2) and Shot Rock from Rogers Group, Inc. (Hamstring Quarry), concrete aggregate-1.5" from Northwest Arkansas Quarries and concrete aggregate-¾", B-Stone and abrasives/grit from APAC-Central, Inc., all in varying amounts, as needed through the end of calendar year 2010.

Resolution 58-10 as recorded in the office of the City Clerk.

Fochtman Enterprises, Inc. Bid #10-24: A resolution awarding Bid #10-24 and approving the purchase of curb and gutter construction from Fochtman Enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

Resolution 59-10 as recorded in the office of the City Clerk.

Les Rogers, Inc. Bid #10-25: A resolution awarding Bid #10-25 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

Resolution 60-10 as recorded in the office of the City Clerk.

Scurlock Industries of Fayetteville, Inc. & Water Products, Inc. Bid #10-26: A resolution awarding Bid #10-26 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. in varying unit prices for use in Ozark Regional Transit New Freedom Projects and other city projects, as needed through the end of calendar year 2010.

Resolution 61-10 as recorded in the office of the City Clerk.

Rogers Group, Inc. Bid #10-27: A resolution awarding Bid #10-27 and approving the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

Resolution 62-10 as recorded in the office of the City Clerk.

City of Farmington Inter-Local Agreement: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011.

Resolution 63-10 as recorded in the office of the City Clerk.

City of Goshen Inter-Local Agreement: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011.

Resolution 64-10 as recorded in the office of the City Clerk.

City of Elm Springs Inter-Local Agreement: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011.

Resolution 65-10 as recorded in the office of the City Clerk.

City of Winslow Inter-Local Agreement: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011.

Resolution 66-10 as recorded in the office of the City Clerk.

City of Elkins Inter-Local Agreement: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011.

Resolution 67-10 as recorded in the office of the City Clerk.

City of Greenland Inter-Local Agreement: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011.

Resolution 68-10 as recorded in the office of the City Clerk.

Police Department Donations: A resolution amending the 2010 city budget by approving a budget adjustment to recognize Police Department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

Resolution 69-10 as recorded in the office of the City Clerk.

Federal Forfeiture Revenue: A resolution amending the 2010 city budget by approving a budget adjustment to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

Resolution 70-10 as recorded in the office of the City Clerk.

State Forfeiture Revenue: A resolution amending the 2010 city budget by approving a budget adjustment to recognize state forfeiture revenue for the first quarter of 2010 in the amount of $7,809.00 for use by the Fayetteville Police Department.

Resolution 71-10 as recorded in the office of the City Clerk.

Arkansas Department of Environmental Quality (ADEQ) #1: A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling education support.

Resolution 72-10 as recorded in the office of the City Clerk.

Arkansas Department of Environmental Quality (ADEQ) #2: A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off Facility.

Resolution 73-10 as recorded in the office of the City Clerk.

State and Tribal Assistance (STAG): A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $485,000.00 from the U.S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins outfall sewer line.

Resolution 74-10 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Form-Based Zoning Districts: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to modify existing and create new use units and Form-Based Zoning Districts that permit administrative development approval and to create design standards for said districts. *This ordinance was left on the First Reading at the April 6, 2010 City Council meeting.*

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Internal Services and Development Director: There is positive dialogue occurring around this ordinance amendment. This is the 10th public meeting that we have had on this over the last 18 months.

Alderman Cook: I have heard nothing but positive. It is an opportunity for people to do something different than the past. I like the changes.

Alderman Cook moved to suspend the rules and go to the third reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Petty: I am proud of staff for working on this. We have instances of neighborhoods that don't have zoning that represents what is actually there and how people are using the land. This form based code makes sense.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5312 as Recorded in the office of the City Clerk

New Business:

Capital Improvements Plan: A resolution adopting the 2010-2014 five year Capital Improvements Plan.

Paul Becker, Finance & Internal Services Director: I would ask that this not be passed tonight so an expanded discussion could be had. This is a plan not an appropriation. It is subject to change due to priorities and economic conditions. We have forecasted what we think revenues are going to be for the next five years and where those would be allocated on a capital basis.

Alderman Petty: What was your philosophy in making the forecast?

Paul Becker: We based it on a sales tax increase of 2%. The Water & Sewer Fund was based on our rate study and increases pursuant to the rate study.

Don Marr, Chief of Staff: The individual projects philosophy was based on infrastructure needs, continued investment in technology to improve efficiency and productivity, Council committees and staff recommendation on anticipated projects. Priorities could change and funds could be moved.

Alderman Lewis: I would like to hear from people on this. Can you explain what the Capital Improvement project is for people that do not know?

Paul Becker: It is a medium range tool used for planning proposes in the design of the budget for all the departments.

Don Marr: It is on line for review.

Alderman Rhoads moved to table the resolution to the May 4, 2010 City Council meeting. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent during the vote.

ADM 10-3529 (UDC Amendment: Tandem Lot): An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 163.12:

Tandem Lot Development in order to clarify and update Tandem Lot Development requirements with current public service requirements and development patterns.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the third reading. Alderman Thiel seconded the motion.

Alderman Petty: We have been criticized for acting quickly. I think we need to give the public an opportunity to review it.

Alderman Lucas: I agree.

Alderman Rhoads: I have heard people say we do not move things fast enough. I think you have to make a decision on a case by case basis.

Upon roll call the motion passed 6-2. Alderman Lucas and Petty voting no.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5313 as Recorded in the office of the City Clerk

ADM 10-3544 (Sunbridge Villas R-PZD Amendment No. 1): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2213 Sunbridge Villas to allow modification to the approved zoning criteria PZD Plats for Planning Area Two, as described herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. The Planning Commission recommended this.

Alderman Lewis: I am glad to see activity in this area.

Alderman Thiel: I like attached housing. It is more affordable.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5314 as Recorded in the office of the City Clerk

Amend Chapter 113: An ordinance to correct and clarify §113.02 (C) (4) and §113.12 (C) (4) of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is a house keeping item changing "*contract*" to "*contact*".

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5315 as Recorded in the office of the City Clerk

Amend Chapter 179: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to add Chapter 179: Low Impact Development.

City Attorney Kit Williams read the ordinance.

Jeremy Pate stated this will be a new chapter in the code. He explained what this change would mean to the City.

Alderman Ferrell: I like what I read in this.

Aldermen Lewis gave additional information about the ordinance.

Aubrey Shepherd, a citizen spoke in favor of the ordinance. This is something that has been talked about for years. It is a way to make a major difference. It is a great ordinance.

Brian Teague, Community by Design: Everyone involved in drafting this ordinance has done a great job. I support it 100 percent.

Billy Pluming, U of A student: Thank you for this ordinance. It is a great thing.

Louise Mann spoke in support of the ordinance.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lucas moved to suspend the rules and go to the third reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-1. Alderman Petty voting no.

City Attorney Kit Williams read the ordinance.

Alderman Petty: This makes sense.

Alderman Lewis thanked the staff, citizens and engineers for their work on this ordinance. This is a wonderful opportunity for Fayetteville. This really sets us apart.

Don Marr: We would like to thank Councilmember Lewis for her work with staff to help us understand these concepts. We have benefited from her level of expertise. This goes a long way in the discussions on phosphate levels. As we put these things in place it gives us an ability to impact non point source impact on phosphate levels. There are huge benefits to our citizens not only for the development community but for our environment. We thank you for that support.

Mayor Jordan thanked the staff and Alderman Lewis for their work on this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5316 as Recorded in the office of the City Clerk

Simultaneous Detachment and Annexation of 99 Acres: An ordinance simultaneously detaching territory from the City of Johnson and annexing said territory into the City of Fayetteville, pursuant to A.C.A §14-40-2101.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is the first step in fulfilling the process that began two or three years ago to construct the extension of Van Ashe.

Mayor Jordan: I would like to thank the City Attorney for his work on this and his negotiating skills.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: There may be a minor modification to Exhibit B, which is the written legal description.

Alderman Ferrell moved to suspend the rules and go to the third reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-1. Alderman Petty voting no.

Alderman Lucas: This is an exciting time. I am real happy to see this move forward. I think it is going to help our economic engine of the mall if we can get access to it from the west. Please vote for it.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5317 as Recorded in the office of the City Clerk

Meeting adjourned at 7:15 p.m.

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**